

# **EXHIBIT**

# **A**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

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ePLUS, INC. : Civil Action No.  
vs. : 3:09CV620  
LAWSON SOFTWARE, INC. : January 27, 2011  
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COMPLETE TRANSCRIPT OF THE JURY TRIAL  
BEFORE THE HONORABLE ROBERT E. PAYNE  
UNITED STATES DISTRICT JUDGE, AND A JURY

APPEARANCES:

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United States District Court

1 add to it, and you all need to disclose to each other what you  
2 are doing, and then you do any rebuttal that you need to do.

3 I want to set a schedule for you all disclosing that  
4 information to each other, what, basically, you're going to put  
5 on. I don't envision any need for any further discovery on the  
6 issue of damages. Neither one of you have mentioned it -- I  
7 mean on injunction, and --

8 MR. McDONALD: I guess the only question there, Your  
9 Honor, is if either one of us is actually going to call a live  
10 witness or wants to offer up a declaration or something, it  
11 seems like the other side should have a chance to take that  
12 person's deposition.

13 MR. ROBERTSON: I don't think that's necessary, Your  
14 Honor. We're going to put these witnesses on, we'll be able to  
15 cross-examine them --

16 MR. McDONALD: I'm sorry, Mr. Robertson --

17 MR. ROBERTSON: I don't think that's necessary, Dan.  
18 We can make a proffer or you can have a declaration or you can  
19 outline what it's going to be, and I think we should just get  
20 on with this.

21 There may be some additional exhibits, for example,  
22 evidentiary exhibits. For example, Mr. Farber informs me that  
23 through the summer, that there's been a number of RFPs that  
24 he's been competing with with Lawson that have come to his  
25 attention. So the competition is ongoing. That's happened

1     you don't understand something. You all are putting me in the  
2     middle of a period of trials that I'm not going to have any  
3     time to hear your injunction. I want this over now.

4             MR. ROBERTSON: Tell me what your pleasure is, Your  
5     Honor, and we'll satisfy it.

6             THE COURT: We can't drag it out. ePlus has won. If  
7     they are entitled to an injunction, they're entitled to it  
8     right away, as promptly as the Court can get to it and give you  
9     all both the process that you are due to prepare for it, but I  
10    have other things to take into account, and you are talking  
11    about a schedule that won't even really get this thing to me  
12    until I begin to start a series of criminal and civil trials  
13    that I know are not going away, and I won't be able to get to  
14    you all until the fall, and I'm not going to do that. So I'm  
15    sorry to burden you all after what you've done, but I know it's  
16    been hard work, but I would like for you, by the 14th, which is  
17    Monday --

18            MR. CARR: Talking about ePlus when you say you.

19            THE COURT: What is today? Wait a minute. Let me  
20    look. The 27th. By Monday, the 7th of February, to put  
21    together and notify Lawson what it is that you intend to offer  
22    by way of evidence on the issue of injunction, both from the  
23    record and new.

24            On the 14th, Lawson should do its response. You can  
25    be doing all of your work while they are working, too, Mr.

1 McDonald.

2 MR. McDONALD: Sure, we'll do that.

3 THE COURT: And on the 21st of February, you file the  
4 same thing respecting rebuttal.

5 MR. CARR: Judge, I have a suggestion. Would it be  
6 helpful if we designate the evidence as you've laid out the  
7 schedule, and then at the end of that we put together a joint  
8 appendix and provide it all to you in one --

9 THE COURT: A joint appendix or whatever you want me  
10 to do. You have to look and see. It may be easier for me to  
11 look at it if it's associated with your findings of fact and  
12 conclusions of law on the injunction.

13 Then when you have all of that information, is it  
14 your desire to file pretrial findings of facts and conclusions  
15 of law on the injunctive relief, Mr. Robertson? You said you  
16 wanted to brief it, and I didn't know whether you meant brief  
17 it before I hear any evidence or not.

18 MR. ROBERTSON: I think it might make sense, Your  
19 Honor, to have you hear the evidence and then have us have a  
20 very expedited briefing schedule after that as to what both  
21 parties think that the evidence has demonstrated. We could  
22 probably do that within a ten-day period for initial briefs,  
23 responsive briefs, and reply briefs since it is our burden.

24 THE COURT: All right. I don't see that we're -- ask  
25 Ms. Hooper to come in.

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(Discussion off the record.)

THE COURT: It will take one day, you think?

MR. ROBERTSON: Yes.

MR. CARR: I would think so. Dan, do you agree?

MR. McDONALD: The question was how long would an evidentiary hearing take?

THE COURT: Yes.

MR. McDONALD: Yes, I think one day or less.

THE COURT: I'll hear you on March 3rd beginning at 9:30 in the morning. I regard that each of you in this instance, when you file what I have dictated that you file, directed that you file, will be satisfying your obligations to update your discovery on the issue of injunctive relief because injunctive relief has been effectively severed from the case by virtue of the pretrial proceedings. I think you will have satisfied your Rule 26 updates when you file these things, and that's what I'm looking for.

Now, the 3rd of March. All right, then, when would you give me a brief, Mr. Robertson, an opening brief and findings of facts and conclusion of law post-trial?

MR. CARR: What's the day of the week, the 3rd of March?

THE COURT: It's a Thursday.